

AMENDED IN ASSEMBLY APRIL 21, 2003
AMENDED IN ASSEMBLY MARCH 13, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 225

Introduced by Assembly Member Frommer

January 29, 2003

An act to amend Section ~~17072.12~~ 17072.10 of, and to add Section 17280.7 to, the Education Code, relating to school facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 225, as amended, Frommer. School facilities.

(1) The existing Leroy F. Greene School Facilities Act of 1998 requires the State Allocation Board to allocate to applicant school districts funding for new construction of school facilities, including funding for site development and acquisition. ~~Existing law also authorizes the board to provide funding for assistance in site development and acquisition to a school district that uses land previously acquired by the district if certain conditions are met, including that the site has been productively used by the district as other than a schoolsite for the 5 years immediately preceding the date the application is submitted.~~

~~This bill would authorize the board to provide that funding if the site has been productively used by the school for the 5 years immediately preceding the date the application is submitted, regardless of whether the use was for a schoolsite or for other than a schoolsite.~~

Existing law authorizes the board to establish a single supplemental per-unhoused-pupil grant, in addition to the new construction

per-unhoused-pupil grant, based on the statewide average marginal difference in costs if a project requires multilevel school facilities due to limited acreage, for grants in which a practical alternative site is not available.

This bill would authorize the board to make a single supplemental per-unhoused-pupil grant, in addition to the new construction per-unhoused-pupil grant, to a school district that can demonstrate a lack of suitable schoolsites and that proposes to reconstruct or remodel an existing school to increase its pupil capacity by at least 50%. This bill would limit this supplemental grant to 50% of the new construction per-unhoused-pupil grant.

(2) Existing law, the Field Act, required the Seismic Safety Commission to convene an advisory committee by August 19, 2002, to study and report on whether a regulatory process may be developed that will allow the State Architect to determine whether a building not originally constructed in compliance with the Field Act either meets or can be retrofitted to meet the equivalent pupil safety performance standards as a building constructed according to the Field Act. Existing law required the commission by January 8, 2003, after reviewing the advisory committee's findings, to make a determination as to whether the regulatory process may be developed, and if so, requires the State Architect to draft regulations to establish that regulatory process.

This bill would also require the State Architect, in consultation with the School Facilities Planning Division of the State Department of Education, to develop guidelines to assist a public school district and design professional in their evaluation of a commercial building for potential lease if the building was not originally constructed in compliance with the Field Act to determine whether the building may be retrofitted to meet the equivalent pupil safety performance standards as a building constructed in compliance with the Field Act.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 ~~SECTION 1. Section 17072.12 of the Education Code is~~
- 2 ~~amended to read:~~
- 3 ~~17072.12. (a) In addition to the amount provided in Section~~
- 4 ~~17072.10, the board may provide funding for assistance in site~~
- 5 ~~development and acquisition if all of the following are met:~~



~~(1) The amount of the site acquisition and development assistance does not exceed 50 percent of the cost of site development to the school district, plus the lesser of the following:~~

~~(A) Fifty percent of the site cost to the school district.~~

~~(B) Fifty percent of the appraised value of the site within six months of the time the complete application is submitted.~~

~~(2) The school district certifies that there is no alternative available site, or that the district plans to sell an available site in order to use the proceeds of the sale for the purchase of the new site.~~

~~(b) Notwithstanding subdivision (a), the board may provide funding for assistance in site development and acquisition to a school district that uses land previously acquired by the school district in an amount equal to 50 percent of the cost of site development to the school district, plus 50 percent of the site's appraised value at the time the application for site acquisition and development is submitted, provided all of the following are met:~~

~~(1) The site was acquired no less than five years prior to the date the application is submitted.~~

~~(2) The site had been productively used by the school district for the five years immediately preceding the date the application is submitted.~~

~~(3) The board determines that the function currently taking place on the site must be discontinued or relocated in order to utilize the site as a new schoolsite.~~

~~(c) A school district that receives assistance pursuant to subdivision (b) shall, within one year after the completion of the project, certify in writing to the board that the previous function taking place on the site was in fact relocated or discontinued as set forth in paragraph (3) of subdivision (b).~~

~~(d) Pursuant to subdivision (b), an applicant school district shall include in its application to the board a cost-benefit analysis performed by the school district demonstrating how utilizing existing district property pursuant to this section would be a more effective method of solving the school district's pupil housing problems than any other method of funding under this chapter. The board shall review and approve the analysis if the board agrees with the findings and shall consider the analysis and findings in approving the project pursuant to this section.~~

1 SECTION 1. Section 17072.10 of the Education Code is
2 amended to read:

3 17072.10. (a) The board shall determine the applicant's
4 maximum total new construction grant eligibility by multiplying
5 the number of unhoused pupils calculated pursuant to Article 3
6 (commencing with Section 17071.75) in each school district with
7 an approved application for new construction, by the
8 per-unhoused-pupil grant as follows:

9 (1) Five thousand two hundred dollars (\$5,200) for elementary
10 school pupils.

11 (2) Five thousand five hundred dollars (\$5,500) for middle
12 school pupils.

13 (3) Seven thousand two hundred dollars (\$7,200) for high
14 school pupils.

15 (b) The board shall annually adjust the per-unhoused-pupil
16 apportionment to reflect construction cost changes, as set forth in
17 the statewide cost index for class B construction as determined by
18 the board.

19 (c) The board may adopt regulations to be effective until July
20 1, 2000, that adjust the amounts identified in this section for
21 qualifying individuals with exceptional needs, as defined in
22 Section 56026. The regulations shall be amended after July 1,
23 2000, in consideration of the recommendations provided pursuant
24 to Section 17072.15.

25 (d) *(1) The board may make a single supplemental*
26 *per-unhoused-pupil grant, in addition to the amounts specified in*
27 *subdivision (a), to a school district that can demonstrate a lack of*
28 *suitable schoolsites and that proposes to reconstruct or remodel an*
29 *existing school to increase its pupil capacity by at least 50 percent.*
30 *A supplemental grant made pursuant to this paragraph shall be in*
31 *lieu of a supplemental grant made pursuant to paragraph (2) and*
32 *may not exceed 50 percent of the per-pupil grant set forth in*
33 *subdivision (a) for each of the pupils projected to be housed in the*
34 *reconstructed or remodeled facility.*

35 (2) The board may ~~establish~~ make a single supplemental
36 per-unhoused-pupil grant, in addition to the amounts specified in
37 subdivision (a), based on the statewide average marginal
38 difference in costs ~~in instances where~~ if a project requires
39 multilevel school facilities due to limited acreage. The district's

1 application shall demonstrate that a practical alternative site is not
2 available.

3 (e) For a school district having an enrollment of 2,500 or less
4 for the prior fiscal year, the board may approve a supplemental
5 apportionment of up to seven thousand five hundred dollars
6 (\$7,500) for any new construction project assistance. The amount
7 of the supplemental apportionment authorized pursuant to this
8 subdivision shall be adjusted in 2001 and every year thereafter by
9 an amount equal to the percentage adjustment for class B
10 construction.

11 SEC. 2. Section 17280.7 is added to the Education Code, to
12 read:

13 17280.7. The State Architect, in consultation with the School
14 Facilities Planning Division of the State Department of Education,
15 shall develop guidelines to assist a public school district and design
16 professional in their evaluation of a commercial building for
17 potential lease if the building was not originally constructed in
18 compliance with the Field Act to determine whether the building
19 may be retrofitted to meet the equivalent pupil safety performance
20 standards as a building constructed in compliance with the Field
21 Act.

